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10
11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF NEW YORK**

13 ===== :
14 **JUSTIN LANASA, TSR, LLC, and** :
15 **DUNGEON HOBBY SHOP MUSEUM, LLC,** : **Case No. 22-cv-5686-KAM-VMS**
16 :
17 **Plaintiffs,** :
18 : **SECOND AMENDED**
19 : **— versus —** : **VERIFIED COMPLAINT**
20 :
21 **ERIK STIENE, and RACHEL STIENE,** :
22 :
23 **Jointly and Severally,** :
24 :
25 **Defendants.** :
26 ===== :

27 The Plaintiffs, JUSTIN LANASA, TSR, LLC, and DUNGEON HOBBY
28 SHOP MUSEUM, LLC, by and through their attorney of record,
29 Bernard V. Kleinman, Esq., for their Amended Verified
30 Complaint against the named Defendants, do hereby allege the
31 following,

32 **THE PARTIES**

33 1. Plaintiff JUSTIN LANASA (hereinafter referred to as
34 "LANASA") is a resident of the State of North Carolina,
35 residing in the County of New Hanover, City of Wilmington.

1 2. Plaintiff TSR, LLC (hereinafter referred to as "TSR")
2 is a limited liability corporation existing under the laws of
3 the State of Wisconsin has an office located in the State of
4 North Carolina. TSR maintains and conducts business from an
5 office in Wilmington, North Carolina. The sole Member is
6 Plaintiff LANASA.

7 3. Plaintiff DUNGEON HOBBY SHOP MUSEUM, LLC (hereinafter
8 referred to as "DUNGEON HOBBY"), is a limited liability
9 corporation existing under the laws of the State of Wisconsin
10 and operates as a business in the State of Wisconsin. The
11 sole Member is Plaintiff LANASA.

12 4. Plaintiff LANASA is the principal officer and member
13 of Plaintiffs TSR and DUNGEON HOBBY.

14 5. Defendant ERIK STIENE (hereinafter referred to as "E.
15 STIENE") is a private individual residing at 5209 Haspel
16 Street, # 2, Elmhurst, NY 11373-4344.

17 6. Defendant RACHEL STIENE (hereinafter referred to as
18 "R. STIENE") is a private individual residing at 5209 Haspel
19 Street, # 2, Elmhurst, NY 11373-4344.

20 7. Upon information and belief, Defendants ERIK STIENE
21 and RACHEL STIENE, are married to one another.

22 8. Plaintiff TSR is a limited liability company and a
23 creator, manufacturer, and distributor of tabletop role

1 playing games, as well as other products and services.
2 Plaintiff distributes its products throughout the country and
3 on the internet.

4 **JURISDICTION & VENUE**

5 9. Plaintiffs repeat and re-iterate ¶¶ 1 through 8
6 inclusive as if set forth herein.

7 10. Each and all acts of Defendants E. STIENE and R.
8 STIENE were performed individually and collectively, and by
9 their own respective design and intent as set forth *infra*.

10 11. The incidents which give rise to this cause of action
11 occurred within this jurisdiction, the Eastern District of
12 New York, and within one year of the action itself or within
13 one year of the named Plaintiffs having discovered the
14 publication of the alleged defamatory statements, and other
15 tortious conduct.

16 12. In addition, thereto, such acts of tortious conduct
17 occurred well before the dates of statutory mandate, and
18 continue through this date, demonstrating the requisite
19 malice and aforesighted to establish an intent to harm the
20 named Plaintiffs.

21 13. Venue is proper in this Court pursuant to 28 U.S.C.
22 § 1391(b)(1), (2), (c)(2) as amended by Section 311 of the
23 Judicial Improvement Act of 1990, by reason of it being the

1 location where all, or substantially all, of the events or
2 omissions giving rise to the claims occurred, and where the
3 Defendants reside.

4 14. Jurisdiction is proper pursuant to federal diversity
5 jurisdiction and the amount of damages is in excess of the
6 jurisdictional amount laid out therein, *viz.*, 28 U.S.C. §
7 1332. Plaintiffs further invoke the pendent and supplemental
8 jurisdiction of this Court to hear and Decide claims arising
9 under state law pursuant to 28 U.S.C. § 1367.

10 **ALLEGATIONS**

11 15. Plaintiffs repeat and re-iterate ¶¶ 1 through 14 as
12 if set forth herein.

13 16. Defendants, both jointly, and individually, maintain
14 and actively participate in an online presence designated as
15 "Tenkar's Tavern".

16 17. This online presence, designated as "Tenkar's
17 Tavern", is almost solely and exclusively devoted to an
18 obsession with the named Plaintiffs, and includes weekly, if
19 not daily, diatribes, insults, threats, false statements, and
20 profane language directed at the named Plaintiffs, and other
21 postings and re-postings designed to harass, annoy and aggra-
22 vate the named Plaintiffs, causing them both personal and
23 professional financial and other harm.

1 18. Upon information and belief, the Defendant E. STIENE
2 maintains this sight as a commercial site, selling
3 subscriptions and products through Amazon® (see
4 https://www.amazon.com/stores/page/9D7E0086-7547-4726-B258-E086D36914C3/r/ref=as_li_ss_tl?ie=UTF8&linkCode=s12&tag=tenkstav-20&linkId=e9bf1f6a2d0efff40078ff9d99f64282&language=en_US (among other Internet sites).
5
6
7

8 19. Such tortious conduct has occurred on innumerable
9 occasions, without letup in an obsessive and compulsive
10 manner, and can be demonstrated by multiple Youtube® videos.
11 On an all but daily basis the Defendant E. STIENE, in an
12 obsessive, compulsive and fixated manner posted scurrilous
13 and false statements about the named Plaintiffs. These
14 postings, numbering in the scores demonstrate, merely based
15 upon their frequency, the malice and intent to harm the
16 Plaintiffs.

17 20. The Defendant were, however, not satisfied with
18 merely posting on Youtube®, but the named Defendants have
19 utilized multiple other locations on the Internet to
20 distribute and publish their defamatory and libelous state-
21 ments; all demonstrating the malice and intent to harm the
22 named Plaintiffs. These locations include, but are not
23 limited to,

1 <https://www.tenkarstavern.com/>
2 [https://www.facebook.com/tenkarstaverncommunity/](https://www.facebook.com/tenkarstaverncommunity)
3 <https://www.patreon.com/tenkarstavern>
4 <https://discord.me/tenkars-tavern>
5 <https://twitter.com/tenkarstavern?lang=en>
6 [https://podcasts.apple.com/us/podcast/tavern-
7 chat/id1386740882](https://podcasts.apple.com/us/podcast/tavern-chat/id1386740882)
8 <https://anchor.fm/tavernchat>

9 21. Through this online presence Defendants, knowingly
10 and willfully, with the intent to harm and cause financial
11 damage to the Plaintiffs, as set forth below, have made
12 fraudulent and defamatory statements specifically accusing
13 the named Plaintiffs of various scurrilous and damaging
14 behavior, as set forth in detail below, all actionable under
15 the New York tort law.

16 22. Among, but not limited to, the knowingly, malicious,
17 and intentional and false and defamatory statements, and
18 other tortious conduct, published online by the Defendants
19 were the following:

20 **January 08, 2022:**

21 In accusing Plaintiff LANASA of dishonesty, E. STIENE
22 (and R. STIENE @ 07:58) stated that Plaintiff LANASA was
23 “inadvertently honest, I don’t think that was your
24 intention” 04:57 Emphasis added.
25

1 Accusing Plaintiff LANASA of not paying his employees
2 and hires:

3 "the new artist got paid for it, but Greg Bell did not"
4 07:05 Emphasis added.

5
6 <https://www.youtube.com/watch?v=wDl3Wo6WTuU>

7
8 **January 09, 2022:**

9 E. STIENE knowingly mis-represented the Plaintiff
10 DUNGEON HOBBY, having the purpose of accepting gamers
11 donations:

12 "wasn't a not for profit, was for profit" 03:16
13 <https://www.youtube.com/watch?v=AbpJ-djtNk0>

14
15 **February 08, 2022:**

16 E. STIENE, in an attempt to alienate prospective
17 customers, and financially damage the Plaintiffs,
18 made repeated postings on the internet that stated
19 that the Plaintiff LANASA:

20 "does not like homos and their type; will not work
21 with folks that support them" 12:29

22
23 <https://www.youtube.com/watch?v=ZJDAtBlR6vc>

24
25 **February 08, 2022:**

26 E. STIENE, in an attempt to alienate prospective
27 customers, and cause financial harm to Plaintiffs
28 TSR and DUNGEON HOBBY, including trade libel, made
29 repeated postings on the internet that stated the
30 following false statements as to Plaintiff LANASA:
31 "he thinks he's some kind of warrior for the old
32 ways; you know racism, gay bashing, women in the
33 kitchen" 12:29

34
35 <https://www.youtube.com/watch?v=ZJDAtBlR6vc>

36
37 **February 18, 2022:**

38 E. STIENE, as a *prima facie* tort, threatening the
39 Plaintiff with physical violence:

40 "jackass comes to my house; I hope they like lead
41 because I have plenty to offer if that is the case"
42 01:51

43
44 <https://www.youtube.com/watch?v=hxsD01DPkDc>

1 **March 17, 2022:**

2 E. STEINE asserting Plaintiff LANASA of engaging in
3 violent sexual conduct demonstrating actionable
4 malice on Defendant E. STIENE's part:

5 "Mario77 [a name that the Defendant ascribed to
6 Plaintiff LANASA], aka ignorant cunt, aka Justin I
7 fuck ignorant cocks; we know this is Justin" 0:28

8
9 Accusing Plaintiff LANASA of doxing, searching for
10 and publish private or identifying information
11 about a particular individual on the internet, with
12 malicious intent to harm the Plaintiff, as *prima
13 facie* tort:

14 "You doxed me, you little shit." 03:09

15
16 The "title" of this Internet Youtube® posting
17 being:

18 "Justin is Trying to dox My Wife Rachel - Go F'
19 Yourself LaNasa!"

20
21 E. STIENE and R. STIENE making violent sexual
22 misconduct statements as to the Plaintiff LANASA,
23 as *prima facie* tort:

24 "my wife just told you that she would grow a cock
25 so you could eat that cock" 09:31

26
27 <https://www.youtube.com/watch?v=pSbVzLby37w>

28
29 **May 10, 2022:**

30 E. STIENE intentionally describing Plaintiff TSR's
31 customers in a defamatory and scurrilous manner as
32 to cause financial harm to the named Plaintiff:

33 "TSR . . . they are scraping the bottom of the
34 privy, okay, you can't get more shit than this shit.
35 So that's your customer base and you're appealing
36 to it." 04:10 - 04:22

37
38 <https://www.youtube.com/watch?v=YtFIIqhJQRA>

39
40 **May 28, 2022:**

41 E. STIENE making knowingly false statements about
42 the Plaintiff LANASA's military service:

43 "he himself was kicked out of the military for lack
44 of leadership potential" 15:09

1 <https://www.youtube.com/watch?v=qkpDy7DJhKw>
2

3 **June 15, 2022:**

4 E. STIENE knowingly falsely describing Plaintiff
5 LANASA's business practices with an intent to cause
6 financial harm to Plaintiffs, both as to customers
7 and potential investors:

8 "you fucked over your prior business partners to
9 get the TSR trademark" 05:23

10 E. STIENE knowing the statement to be a false trade
11 libel, alleged association of the Plaintiff with "a
12 Nazi":

13 "you included a Nazi in the company" 09:19

14 <https://www.youtube.com/watch?v=djYL3joFZqQ>

15 **Dec. 17, 2022:**

16 <https://www.youtube.com/watch?v=-J8Du-fjbpo>

17 @ 0:57.00, Defendant R. STIENE referring to Plaintiff
18 as an on-line entity which he is not

19 **Nov. 27, 2022:**

20 <https://www.youtube.com/watch?v=7SsZPY7qqMk>

21 R. STIENE and E. STIENE making clear that Plaintiff
22 has 30 used anonymous emails. 0:30:10 thru 0:47.10

23 R. STIENE and E. STIENE accusing the Plaintiff of
24 Substance abuse;
25 Describing the Plaintiff, in clear terms as sending
26 anonymous emails on the weekend, because that is the
27 "time to get into a bottle of Jack" 0:59:15 -
28 1:02:00

29 23. Further, in an attempt to intimidate, harass, and

30 threaten, causing fear and emotional distress, the Defendant

31 E. STIENE engaging in *prima facie* tort, posted a video in
32 which he stated: "I already know your address; I already know
33 your fucking phone number; I know your wife's phone number."

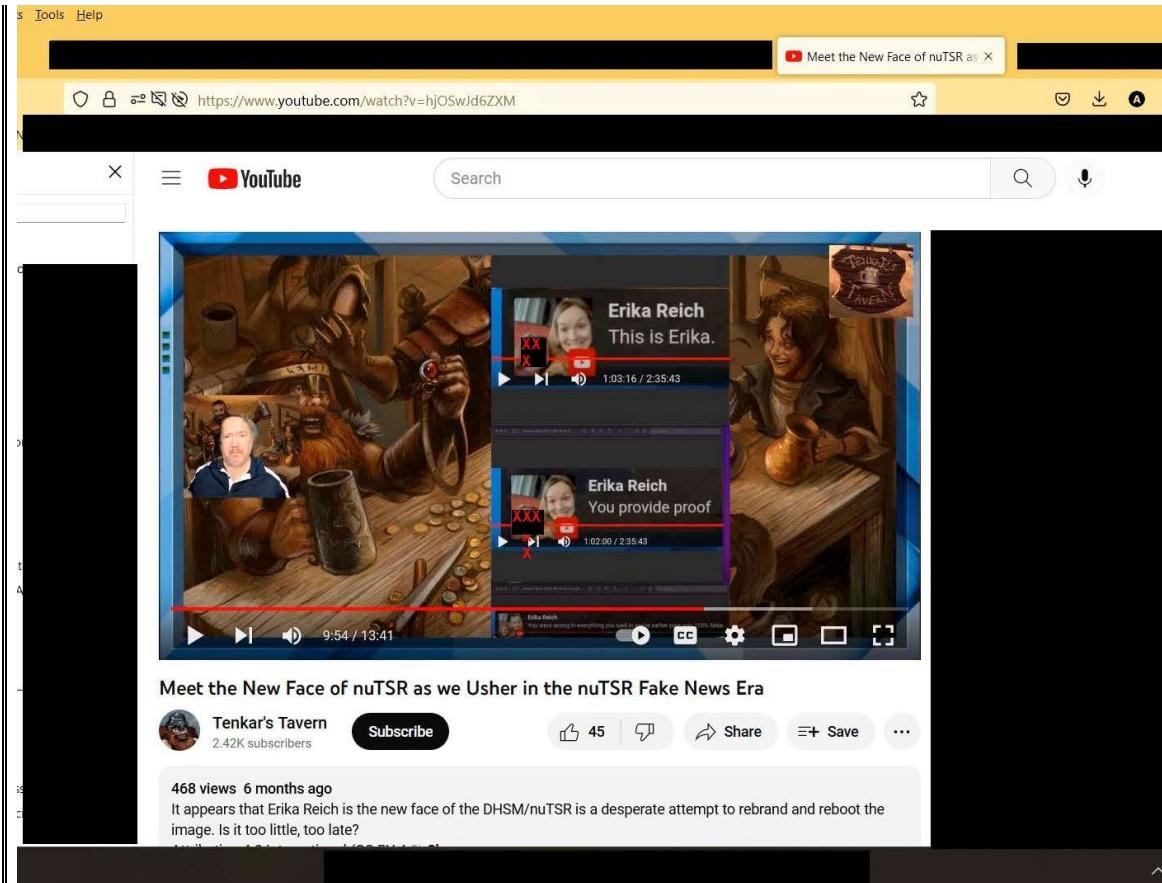
1 **March 17, 2022:** [@ 05:26.](https://www.youtube.com/watch?v=pSbVzLby37w)

3 24. After Defendant posted this on Youtube®
4 (<https://youtu.be/-sDfkispM9w>), Geek Nation® canceled a tour
5 with the Plaintiffs, causing financial damages in payments to
6 the hobby shop and attacking any one that supports TSR.

7 25. The Defendant also posted, online, in a continuing
8 attempt to intimidate, harass, and threaten the Plaintiff
9 LANASA, the Defendant E. STIENE, engaging in *prima facie* tort,
10 posted images of LANASA's wife and minor child, without prior
11 authorization or permission, in violation of N.Y. Civil
12 Rights L. §§ 50, 51. While the posting spoke about the
13 Plaintiff LANASA's spouse, the Defendant E. STIENE, chose to
14 post images of the Plaintiff LANASA'a minor child.

15 26. This was further exacerbated by the fact that
16 Defendant E. STIENE made no attempt to blur or otherwise
17 distort the image of the minor child. See¹

¹ It should be noted that the image actually posted by the Defendant is a clear and identifiable image of Plaintiff LANASA'a minor child. It has been redacted out here, to avoid any further posting of said image.



1
2 This posting lasted the entire length of the Youtube® video,
3 for more than thirteen minutes, and included such statements
4 as:

5 "Erika is the new face of TSR", 5:17

6 **June 18, 2022:** <https://www.youtube.com/watch?v=hjOSwJd6ZXM>

7 27. This purposeful and intentional posting of the
8 Plaintiff's minor child is a direct and knowing violation of
9 the Terms of Service of Google and Youtube®. According to
10 said Terms of Service:

11 Anyone posting content with minors must do the
12 following:

- 1 • **Respect privacy.** Secure consent from the minor's
2 parent or legal guardian before featuring them in
3 your video. Make sure their participation in your
4 video is voluntary.

5 See

6 <https://support.google.com/youtube/answer/9229229?hl=en>

7 It, furthermore, it is a direct violation of Google's
8 Community Guidelines. *Ibid.*

9 28. At all times relevant hereto, the Defendants, both
10 individually, and collectively, knew, or should have known,
11 that the above stated actions were frivolous, outrageous and
12 hurtful, including, but not limited to, affiliation with
13 Nazis, accusations of criminal conduct, posting photographs
14 of the Plaintiff's minor child, threatening the Plaintiff
15 with physical harm, and could easily cause emotional and
16 psychological trauma to the named targets, *i.e.*, the
17 Plaintiffs.

18 29. The scandalous and salacious details in the
19 published statements of the Defendants are complete
20 fabrications and any reasonable investigation by Defendants
21 would have and should have led to that conclusion.
22 Accordingly, the false statements contained in the posted on-
23 line statements are not protected or recognized by any
24 judicial or litigation privilege.

1 30. The use of the Internet is particularly devastating
2 due to its instantaneous ability to spread false and malicious
3 statements such as those made by the Defendants. Indeed, as
4 one Court has succinctly put it, "Online commentary is just
5 as capable as print or broadcast media of inflicting the kinds
6 of harm the defamation laws are designed to protect against.
7 Indeed, online communications can spread more quickly, and to
8 all corners of the world, than can print or broadcast media
9 statements." *Eros Int'l PLC v. Mangrove Partners*, 2019 N.Y.
10 Slip Op. 30604(U) at p. 17 (S. Ct. N.Y. Co. Mar. 8, 2019),
11 aff'd 191 A.D.3d 465 (1st Dep't 2021).

12 31. Private social media platform companies such as
13 Facebook®, Twitter®, Youtube®, and Instagram® were founded
14 and gained rapid popularity in the early 2000s. While each
15 platform has a slightly different target audience and
16 strategic objectives, the basic user experience is the same:
17 users can either publicly post (a message, photo, or video)
18 to their followers or privately send a direct message to other
19 users of that social media platform. Thus, the era of private
20 companies operating mass communication social networks began.
21 Many eyes shifted from the front pages of curated, edited,
22 and source-checked newspapers to these unregulated social
23 media platforms. These social media platforms provide certain

1 well-known communication benefits to individuals, businesses,
2 and society as a whole. But these social media platforms also
3 allow wrongdoers like the STIENES to make false, defamatory,
4 and/or harassing statements to single-handedly designed to
5 destroy a person's reputation and the reputation and
6 commercial viability of carefully built businesses.

7 32. The emotional trauma caused by the actions of the
8 Defendants was further demonstrated by what can only be
9 described as a concerted campaign of repeatedly posting
10 false, damaging and threatening statements on the Internet
11 directed at the Plaintiffs. See ¶¶ 17 thru 20, *supra*.

12 33. In an attempt to resolve this behavior without the
13 necessity of judicial intervention, the Plaintiffs had
14 counsel send a Cease and Desist Letter to the Defendant E.
15 STIENE on July 29, 2022. See Exhibit A.

16 34. In a further example of the Defendant's rank and
17 tortious behavior, and clear malicious intent to continue to
18 harm the Plaintiffs, the response of the Defendant was to
19 post the letter online, and ridicule it; with no actions taken
20 to comply with the letter. This posted response alleged that
21 the Cease and Desist Letter was an attempt to "Intimidate
22 Witnesses", in ongoing litigation unrelated to this action:

1 "Was My C&D Letter From LaNasa TSR an Attempt to ID &
2 Intimidate Witnesses in the WotC Legal Action?"
3

4 See <https://www.youtube.com/watch?v=A6B-LmnEedwXX>, Aug. 30,
5 2022.

6 35. In further attempts to harass, intimidate, and
7 threaten the named Plaintiffs, the Defendant E. STIENE has
8 made repeated, unsubstantiated, and uncorroborated statements
9 alleging some former position in law enforcement specifically
10 alleging the following:

11 "It was my job when I was an investigator in internal
12 affairs"

13 See, e.g., **September 6, 2021:**

14 <https://www.youtube.com/watch?v=JKWf-tBI1Hg> @ 11:56.

15 36. As a direct and indirect result of the Defendants'
16 actions, the Plaintiffs both individually and collectively
17 have suffered damages in the form of litigation and trial
18 expenses, and loss of income, and damages as set forth herein.

19 **CAUSE OF ACTION FIRST**

20 **AS AGAINST DEFENDANTS – DEFAMATION & LIBEL PER SE**

21 37. Plaintiffs repeat, re-iterate, and incorporate
22 herein ¶¶ 1 through 36 as if set forth herein.

23 38. The above-stated defamatory and libelous statements,
24 as set forth in ¶ 22 described above, have had a devastating

1 and irreparable effect on the Plaintiffs personal and
2 professional reputations.

3 39. Furthermore, upon information and belief, said
4 defamatory statements have been repeated and re-posted by
5 third parties causing further and lasting harm to the named
6 Plaintiffs. See ¶ 44 *infra*.

7 40. The Defendant either published, or cause to be
8 published, numerous false and defamatory statements about the
9 Plaintiffs. These include claims of association and
10 sympathies with Nazis and white supremacists, anti-homosexual
11 conduct, failure to pay debts, and other statements as laid
12 out above.

13 41. Each of these aforesaid defamatory statements were
14 untrue and defamatory in that they falsely reported and
15 mischaracterized the Plaintiffs' character and actions, and
16 the Defendant knew, or should have known, that such statements
17 were false.

18 42. The Defendant published these false and defamatory
19 statements with malice.

20 43. The Defendant published these false and defamatory
21 statements with knowledge of their falsity and/or with a
22 reckless disregard for the truth or falsity of these state-
23 ments.

1 44. Without regard to the falsity and defamatory nature
2 of these statements, among others, the Defendant (in an
3 attempt to make the named Plaintiffs into some kind of public
4 persona) allowed and encouraged other parties to re-publish
5 these statements, causing further harm to the Plaintiffs.

6 See, e.g.,

7 <https://youtu.be/KRDUFHbV8N4> (July 20, 2022)

8 <https://youtu.be/AKPn7fM1YwA> (July 20, 2022)

9 <https://youtu.be/wt1HA2O3GYs> (July 20, 2022)

10 <https://youtu.be/ibqG4AlcyNk> (July 25, 2022)

11 <https://youtu.be/rkPURc5cqTU> (July 21, 2022)

12 <https://youtu.be/OUjK132rx-Y> (July 27, 2022)

13 <https://youtu.be/KRDUFHbV8N4> (July 20, 2022)

14 https://www.tiktok.com/@nightshade_386/video/7122633321754037550

15 45. The Defendant, among other things, as set forth
16 above, accused the Plaintiff LANASA of "he's some kind of
17 warrior for the old ways; you know racism, gay bashing, women
18 in the kitchen"; "you included a Nazi in the company"; "you
19 fucked over your prior business partners to get the TSR
20 trademark". See ¶ 22 above. All of which the Defendant knew
21 to be false.

1 46. The effect of these accusations has been to seriously
2 and irrevocably harm not only Plaintiff LANASA, but also
3 Plaintiffs TSR, and DUNGEON HOBBY. See ¶ 75 *infra*.

4 47. These aforesaid statements constitute defamation
5 and/or libel *per se* because they falsely impugn the Plain-
6 tiffs' honesty, trustworthiness, dependability, and profes-
7 sional fitness and abilities, and falsely charged him with
8 engaging in criminal conduct, fraud, dishonesty and/or other
9 conduct that would tend to injure the Plaintiffs in their
10 trade or business, and any trade, business, or profession
11 which Plaintiffs may seek to pursue.

12 48. These aforesaid false and defamatory statements have
13 caused the Plaintiff LANASA (as well as his family members)
14 severe embarrassment, humiliation and emotional injury.

15 49. Upon information and belief, the Defendants have
16 made, and continues to make or cause to be made, these and
17 similarly false and defamatory statements about the
18 Plaintiffs to third parties.

19 50. As a result of said defamation, the Plaintiff LANASA
20 continues to suffer from severe humiliation, loss of standing
21 in the community, loss of self-esteem, public disgrace, loss
22 of standing and respect within his own family, and severe and
23 extreme emotional distress.

1 51. The defamatory acts committed against the Plaintiffs
2 by Defendant were intentional, willful, wanton, malicious and
3 oppressive and were motivated, solely by a desire to
4 permanently harm the name, reputation, and financial and
5 business interests of the Plaintiffs without regard for the
6 truth or the Plaintiffs' well-being and were based on a lack
7 of concern and ill-will toward the Plaintiffs and/or a mali-
8 cious, deliberate, and/or reckless disregard for their
9 rights, for which the Plaintiffs are entitled to an award of
10 punitive damages.

11 52. At all material times, Defendants defamed Plaintiff
12 LANASA by – as stated above – making false statements which
13 tended to expose Plaintiff to public contempt, ridicule,
14 aversion or disgrace, and induced an evil opinion of him in
15 the minds of right-thinking persons, and deprived him (and
16 continues to deprive him) of their friendly intercourse in
17 society.

18 53. The Plaintiff LANASA has suffered harm as a result
19 of the defamatory statements including, but not limited to,
20 reputational harm, emotional distress and mental anguish, and
21 the statements were defamatory and libelous *per se*.

22 54. As a direct and proximate result of the aforesaid
23 actions of the Defendant, inclusive of all the claims herein,

1 the Plaintiff LANASA and his family have been forced to seek
2 therapy and other professional health care assistance.

3 55. As a result of Defendants' conduct, the Plaintiffs
4 are entitled to compensatory (due to lost income, litigation
5 expenses, and other costs directly associated with and
6 attributable to Defendants' actions) and punitive damages, as
7 well as injunctive and Declaratory relief.

8 56. That as a result of the foregoing, Plaintiffs have
9 been damaged in a sum exceeding the jurisdictional limits of
10 all lower courts that would otherwise have jurisdiction over
11 this matter, in an amount of no less than \$1,000,000.

12 **CAUSE OF ACTION SECOND**

13 **AS AGAINST DEFENDANTS – SLANDER PER SE**

14 57. Plaintiffs repeat, re-iterate, and incorporate
15 herein ¶¶ 1 through 56 as if set forth herein.

16 58. As set forth above, Defendant, on numerous
17 occasions, with full knowledge that said statements were
18 false and made with malice, did publish to third parties that
19 Plaintiff LANASA, among other things, that Plaintiff LANASA
20 was a "warrior for the old ways; you know racism, gay bashing,
21 women in the kitchen"; and "you included a Nazi in the
22 company". See above, ¶ 22.

1 59. These aforesaid statements constitute defamation
2 and/or libel *per se* because they falsely impugn the Plaintiffs'
3 honesty, trustworthiness, dependability, and professional fitness and abilities, and falsely charged him with
4 engaging in fraud, dishonesty and/or other conduct that would
5 tend to injure the Plaintiffs in their trade or business, and
6 any trade, business, or profession which Plaintiffs may seek
7 to pursue.

9 60. These aforesaid false and defamatory statements have
10 caused the Plaintiff LANASA (as well as his family members)
11 severe embarrassment, humiliation and emotional injury.

12 61. Upon information and belief, the Defendant has made,
13 and continues to make or cause to be made, these and similarly
14 false and defamatory statements about the Plaintiffs to third
15 parties.

16 62. As a result of said slander, the Plaintiff continues
17 to suffer from severe humiliation, loss of standing in the
18 community, loss of self-esteem, public disgrace, loss of
19 standing and respect within his own family, and severe and
20 extreme emotional distress.

21 63. The defamatory acts committed against the Plaintiffs
22 by Defendant were intentional, willful, wanton, malicious and
23 oppressive and were motivated, solely by a desire to

1 permanently harm the name, reputation, and financial and
2 business interests of the Plaintiffs without regard for the
3 truth or the Plaintiffs' well-being and were based on a lack
4 of concern and ill-will toward the Plaintiffs and/or a
5 malicious, deliberate, and/or reckless disregard for their
6 rights, for which the Plaintiffs are entitled to an award of
7 punitive damages.

8 64. At all material times, Defendants slandered
9 Plaintiff LANASA by — as stated above — making false
10 statements which tended to expose Plaintiffs to public
11 contempt, ridicule, aversion or disgrace, and induced an evil
12 opinion of him in the minds of right-thinking persons, and
13 deprived him (and continues to deprive him) of their friendly
14 intercourse in society.

15 65. The Plaintiff LANASA has suffered harm as a result
16 of the defamatory statements including, but not limited to,
17 reputational harm, emotional distress and mental anguish,
18 financial losses, and the statements were slanderous,
19 defamatory and libelous *per se*. See, e.g., ¶¶ 24, 75.

20 66. As a result of Defendant's conduct, the Plaintiffs
21 are entitled to compensatory and punitive damages, as well as
22 injunctive and Declaratory relief.

1 67. That as a result of the foregoing, Plaintiffs have
2 been damaged in a sum exceeding the jurisdictional limits of
3 all lower courts that would otherwise have jurisdiction over
4 this matter, in an amount of no less than \$1,000,000

5

CAUSE OF ACTION THIRD

AS AGAINST DEFENDANTS -

INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS

68. Plaintiff LANASA repeats, re-iterates, and incorporates herein ¶¶ 1 through 67 as if set forth herein.

69. The Defendants' conduct (as set forth herein) toward Plaintiff LANASA was so outrageous and shocking that it exceeded all reasonable bounds of decency as measured by what the average member of the community would tolerate and, second, that Defendants' conduct caused severe emotional distress to Plaintiff LANASA and, third, that Defendants clearly acted with the desire to cause such distress to Plaintiff LANASA; under circumstances known to any reasonable person which made it substantially certain that the result would follow; and, furthermore, as laid out herein (see, e.g., ¶ 60), acted recklessly and with utter disregard of the consequences that might follow, causing severe emotional distress to the named Plaintiff LANASA.

70. The Defendant also posted, online, in a continuing attempt to intimidate, harass, and threaten the Plaintiff, images of Plaintiff's wife and minor child. This posting lasted the entire length of the Youtube® video, for more than thirteen minutes. See ¶¶ 25 thru 27, *supra*.

1 **June 18, 2022:** <https://www.youtube.com/watch?v=hjOSwJd6ZXm>

2 71. The actions, as set forth above, were conducted by
3 the Defendant for the sole and exclusive purpose of causing
4 severe emotional distress; such actions of the Defendants,
5 towards the Plaintiff were, and are, so shocking and
6 outrageous that it exceeds all reasonable bounds of decency.

7 72. The Defendant's conduct toward Plaintiff, in posting
8 not only the images of Plaintiff's spouse and minor female
9 child, combined with threats of violence, and stating the
10 Defendant knew where the Plaintiff resides (see ¶ 23), was so
11 outrageous and shocking that it exceeded all reasonable
12 bounds of decency as measured by what the average member of
13 the community would tolerate and, secondly, the Defendants'
14 conduct caused severe emotional distress to Plaintiff and,
15 thirdly, that Defendant acted, solely and exclusively with
16 the desire to cause such distress to Plaintiff, intentionally
17 and recklessly and with utter disregard of the consequences
18 that might follow.

19 73. For example:

20 **February 18, 2022:**

21 E. STIENE, as a *prima facie* tort, threatening the
22 Plaintiff with physical violence:
23 "jackass comes to my house; I hope they like lead
24 because I have plenty to offer if that is the case"
25 01:51
26

1 <https://www.youtube.com/watch?v=hxsD01DPkDc>

2 **March 17, 2022:**

3 [@
4 05:26. Posted a video in which he stated: "I already know
5 your address; I already know your fucking phone number;
6 I know your wife's phone number."](https://www.youtube.com/watch?v=pSbVzLby37w)

7 **February 18, 2022:**

8 E. STIENE, as a *prima facie* tort, threatening the
9 Plaintiff with physical violence:
10 "jackass comes to my house; I hope they like lead
11 because I have plenty to offer if that is the case"
12 01:51

13 <https://www.youtube.com/watch?v=hxsD01DPkDc>

14 74. As a direct result of this outrageous conduct on
15 Defendants' part, Plaintiff has suffered serious and
16 continuous psychological trauma. Plaintiff is in fear that
17 if he ever confronts the Defendant, E. STIENE, the Defendant
18 will, without cause or provocation, seek to harm him, his
19 wife, and his minor daughter. By publicly posting images of
20 the Plaintiff's wife and minor daughter, and making no attempt
21 to conceal, obscure or otherwise blur his minor daughter, the
22 Plaintiff fears that that the Defendant, or one of the many
23 followers of his YouTube®, and other postings, will take it
24 upon themselves to harm his minor child.

25 75. Plaintiff has had creators, publishers, artists, and
26 customers turn away from Plaintiff LANASA, and Plaintiff's TSR
27 and DUNGEON HOBBY, stating that they are scared and angry,

1 vowing not to work with Plaintiff due to the false, fabricated
2 statements made by Defendant E. STIENE, and his followers.

3 76. According to the posted Youtube® video, which
4 remains available to this date, 473 individuals have viewed
5 it, with multiple comments, some of which reference the minor
6 child.

7 77. These actions caused severe and possibly
8 irremediable emotional and psychological strain within
9 Plaintiff LANASA's family by these attacks. A result of
10 which, has been that the Plaintiff, and his family, have been
11 compelled to seek outside counseling.

12 78. Plaintiff, and his family members, have had trouble
13 sleeping, suffer from anxiety, and nervous-ness, and other
14 trauma due to Defendant's outrageous, and intentional
15 conduct.

16 79. Such outrageous conduct is further demonstrated by
17 the fact that Defendant E. STIENE has encouraged others to
18 distribute the subject con-tent, including the images of the
19 Plaintiff's minor child, *viz.*,

20 "You are free to:
21 "Share – copy and redistribute the material in any
22 medium or format
23 "Adapt – remix, transform, and build upon the
24 material for any purpose, even commercially."

1 80. The complete disregard for the harm to the Plaintiff
2 and the outrageous posting of the Plaintiff's minor child is
3 further demonstrated by the fact that the notice of this was
4 made to the Defendant at the time of the filing of the
5 original Complaint in September 2022. See Complaint at ¶ 56.
6 Yet, now, more than four months later, the Defendant has still
7 not removed it, nor made any attempt to obscure or otherwise
8 distort the image of Plaintiff's minor daughter.

9 81. As a result of Defendant's conduct, the Plaintiff is
10 entitled to compensatory and punitive damages, as well as
11 injunctive and Declaratory relief.

12 82. That as a result of the foregoing, Plaintiffs have
13 been damaged in a sum exceeding the jurisdictional limits of
14 all lower courts that would otherwise have jurisdiction over
15 this matter, in an amount of no less than \$1,000,000.

16 **CAUSE OF ACTION FOURTH**

17 **AS AGAINST DEFENDANTS –**

18 **PRIMA FACIE TORTIOUS CONDUCT**

19 83. Plaintiff LANASA repeats, re-iterates, and
20 incorporates herein ¶¶ 1 through 82 as if set forth herein.

21 83. The Defendants committed prima facie tort, as
22 against the Plaintiffs LASNASA, TSR and DUNGEON HOBBY with
23 their (i) intentional infliction of harm; (ii) causing

1 special damages; (iii) without excuse or justification; (iv)
2 by an act or series of acts that would otherwise be lawful.

3 84. The Defendants, acting in an outrageous, malicious
4 and intentional manner, not only spread defamatory statements
5 harmful to both the Plaintiff LANASA, individually, but also
6 to the named Plaintiffs TSR and DUNGEON HOBBY, as harming
7 their trade. See ¶¶ 24, 75.

8 85. The Plaintiff LANASA suffered emotional and
9 psychological trauma, as a result of these actions. See ¶¶
10 77, 78 *supra*.

11 86. The Plaintiffs TSR and DUNGEON HOBBY suffered
12 serious trade and special damages and adverse actions due to
13 the subject postings of the Defendants (see ¶¶ 24, 75), along
14 with irremediable damage within the gaming community.

15 87. In addition, thereto, the postings have resulted in
16 Plaintiff LANASA expending assets for medical and other
17 support services such as counseling due to the posting of the
18 Plaintiff's minor daughter.

19 88. These damages were "special damages", in the sense
20 that they resulted in a direct pecuniary loss of income and
21 business. See ¶¶ 24, 75 *supra*.

22 88. The postings of the named Defendants were
23 unjustified and inexcusable, as they were solely prompted by

1 a malevolent desire to harm the Plaintiffs. This is demon-
2 strated by the posting of a video containing the image of the
3 Plaintiff LANASA'a minor child, without authorization, and
4 resultant, to be expected, damage to the Plaintiff LANASA and
5 his family. See ¶¶ 23 thru 27, *supra*.

6 89. Such actions on Defendants' part constituted a
7 direct and knowing violation of New York Civil Rights L. §§
8 50, 51, and the YouTube® Terms of Service. See ¶ 27.

9 90. The subject posting of the Plaintiff's minor child
10 caused further damage and harm to the Plaintiff as it is
11 recognized that child pornography sites often, through
12 morphing, and deep fake technology, sexualize innocent
13 photographs of minor children – a fact that is well-known to
14 the general public.

15 See "How innocent photos of children have been exploited
16 on Twitter," Nat'l Center on Sexual Exploitation (Feb. 2017).
17 [https://endsexualexploitation.org/articles/article-](https://endsexualexploitation.org/articles/article-innocent-photos-children-exploited-twitter/)
18 *innocent-photos-children-exploited-twitter/*

19 91. Such postings would otherwise be lawful and
20 justified, in the absence of such outrageous conduct, and if
21 done with the requisite permission, that was never granted.

22 92. Such postings include, but are not limited to:

1 E. STIENE, as a *prima facie* tort, threatening the
2 Plaintiff with physical violence:
3 "jackass comes to my house; I hope they like lead
4 because I have plenty to offer if that is the case"
5 01:51
6

7 <https://www.youtube.com/watch?v=hxsDOlDPkDc>
8

9 **March 17, 2022:**

10 E. STEINE asserting Plaintiff LANASA of engaging in
11 violent sexual conduct demonstrating actionable
12 malice on Defendant E. STIENE's part:
13 "Mario77 [a name that the Defendant ascribed to
14 Plaintiff LANASA], aka ignorant cunt, aka Justin I
15 fuck ignorant cocks; we know this is Justin" 0:28
16

17 Accusing Plaintiff LANASA of doxing, searching for
18 and publish private or identifying information
19 about a particular individual on the internet, with
20 malicious intent to harm the Plaintiff, as *prima
facie* tort:
21

22 "You doxed me, you little shit." 03:09
23

24 E. STIENE making violent sexual misconduct state-
25 ments as to the Plaintiff LANASA, as *prima facie*
26 tort:
27 "my wife just told you that she would grow a cock
28 so you could eat that cock" 09:31
29

30 <https://www.youtube.com/watch?v=pSbVzLby37w>
31

32 Defendant E. STIENE engaging in *prima facie* tort, posted
33 a video in which he stated: "I already know your address;
34 I already know your fucking phone number; I know your
35 wife's phone number."
36

37 [@ 05:26.](https://www.youtube.com/watch?v=pSbVzLby37w)
38

39 93. As a result of Defendant's conduct, the Plaintiff is
40 entitled to compensatory and punitive damages, as well as
injunctive and Declaratory relief.

1 94. That as a result of the foregoing, Plaintiffs have
2 been damaged in a sum exceeding the jurisdictional limits of
3 all lower courts that would otherwise have jurisdiction over
4 this matter, in an amount of no less than \$1,000,000.

5 WHEREFORE, Plaintiffs demand judgment against the Defendant,
6 as follows:

- 7 a. On the First Cause of Action, damages in an amount
8 exceeding the jurisdictional limits of all lower
9 courts that would otherwise have jurisdiction over
10 this matter, in an amount of no less than \$1,000,000;
- 11 b. On the Second Cause of Action, damages in an amount
12 exceeding the jurisdictional limits of all lower
13 courts that would otherwise have jurisdiction over
14 this matter, in an amount of no less than \$1,000,000;
- 15 c. On the Third Cause of Action, damages in an amount
16 exceeding the jurisdictional limits of all lower
17 courts that would otherwise have jurisdiction over
18 this matter, in an amount of no less than \$1,000,000;
- 19 d. On the Fourth Cause of Action, damages in an amount
20 exceeding the jurisdictional limits of all lower
21 courts that would otherwise have jurisdiction over
22 this matter, in an amount of no less than \$1,000,000;

- e. An Order from this Court permanently enjoining the Defendant from posting anything on any social media platform, private or public, making any statement or reference to the named Plaintiffs herein;
- f. The issuance of a retraction of all defamatory, libelous and false claims;
- g. Interest, costs, and disbursements of this action;
- h. Punitive damages, in an amount to be determined at trial;
- i. Both Pre-judgement and Post-Judgment Interest at the statutory rate;
- j. For all legal fees and costs and disbursements of this Action; and
- k. For such other further relief as this Court shall deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury on all issues.

F.R.Civ.P. Rule 38.

Dated: January 16, 2024
Somers, NY

Is | *Bernard V. Kleinman*
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VERIFICATION

2 STATE OF North Carolina
3 COUNTY OF New Hanover)

S.S.:

4 I am JUSTIN LANASA, the named Plaintiff herein, and a
5 principal in the named Plaintiffs TSR, LLC, and DUNGEON HOBBY
6 SHOP MUSEUM, LLC:

7 I have read the foregoing Verified Complaint and know the
8 contents thereof. I know the same is true to my own
9 knowledge, except as to matters based upon information and
10 belief, and to those matters I believe them to be true.

11
12
13 JUSTIN LANASA

14 *GOOSE BAY LIMNIA*

144

15
16 TSR, LLC
17 BY: Justin Janasa

—, *Sabicea* *Surinamensis*

18
19 DUNGEON HOBBY SHOP MUSEUM, LLC
20 P.O. Box 100000

21
22 Sworn to Before Me
23 this 10 day of January 2024

25
26
27
28

Anton B. Van

Notary Public
State of North Carolina

